

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EMIGRANT BANK; AND PACIFIC
MERCANTILE BANK,

Petitioners,

v.

CALRISSIAN L.P.; AND VIRGO SERVICE
COMPANY LLC,

Respondents.

Misc. Case No.:

Underlying Action:

*Emigrant Bank, et al. v. SunTrust Bank,
et al.*, No. 1:20-cv-02391-PGG
(S.D.N.Y.)

**PETITIONERS' MOTION TO COMPEL RESPONDENTS TO COMPLY
WITH PETITIONERS' SUBPOENAS**

Pursuant to Federal Rule of Procedure 45, Petitioners Emigrant Bank and Pacific Mercantile Bank move to compel Respondents Calrissian L.P. (“Calrissian”) and Virgo Service Company LLC (“VSC”) to comply with the subpoenas for the production of documents issued on May 8, 2023, served in connection with *Emigrant Bank, et al. v. SunTrust Bank, et al.*, No. 1:20-cv-02391-PGG (S.D.N.Y.) (the “SDNY Action”). Calrissian and VSC are non-parties to the SDNY Action.

Calrissian and VSC were served with the subpoenas on May 10 and May 9, 2023, respectively, with compliance dates of June 7, 2023, but both have failed to produce documents or even respond to the subpoenas, thus necessitating this motion to compel. Petitioners have attempted to confer in good faith with Respondents in an effort to obtain the requested documents without the Court’s intervention. Counsel for the affiliates of Calrissian and VSC refused to accept service of the subpoenas and stated on meet-and-confer calls only that Calrissian and VSC are “defunct.” No counsel has identified itself as representing Calrissian or VSC.

Calrissian and VSC are wrongfully withholding responsive documents, and their compliance with the subpoenas should be compelled by this Court. Therefore, Petitioners respectfully move the Court for an order (i) compelling Respondents to comply with the subpoenas by no later than August 14, 2023, and (ii) finding any objections to the subpoenas waived by Respondents' failure to respond by the date of compliance.

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